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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/796,190

03/10/2004

Masashi Kitabayashi

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7590

11/22/2005

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EXAMINER

MAHONEY, CHRISTOPHER E

ART UNIT

PAPER NUMBER

2851

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

EX

Office Action Summary	Application No. 10/796,190	Applicant(s) KITABAYASHI ET AL.	
	Examiner Christopher E. Mahoney	Art Unit 2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
4a) Of the above claim(s) 6-13, 21 and 23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 14, 17 and 22 is/are rejected.
- ca 7) ☒ Claim(s) 15-16/18 is/are objected to. 15-16 and 18-20 ca.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>Mar 04 & Nov 04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

Claim 14 is objected to because of the following informalities: Claim 14, line 5 recites a hole. The examiner believes this is supposed to be "holes" (plural) to provide antecedent basis for the holes later reference on line 9. Appropriate correction is required.

Claims 6-13, 21 and 23 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim may not depend from another multiple dependant claim. See MPEP § 608.01(n). Accordingly, the claims not been further treated on the merits.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 14, 17 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujimori (U.S. Pat. No. 5,988,818). Fujimori teaches an optical component casing with an illumination optical axis of light beam irradiated by a light source, in which a plurality of optical

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components 6, 7, 11 are housed and arranged at predetermined positions on the illumination optical axis, the optical component casing comprising: a casing body 8 having a plurality of holes penetrating toward the inside thereof, in which the plurality of optical components are housed and arranged therein; and a plurality of positioning members 4/14/24/32/33 or alternatively 35 for positioning the plurality of optical components at the predetermined positions in the casing body, wherein the plurality of positioning members are inserted to the plurality of holes to abut on the optical components so that the plurality of optical components are positioned at the predetermined positions on the illumination optical axis of the light beam irradiated by the light source. The applicant is directed to review figures 1-2 and 5. Only one modulator is shown in figures 2 and 5 for illustrative convenience. There are at three modulators so, for example, there are three positioning members 35.

Claims 1-5, 14, 17 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Fujimori (U.S. Pat. No. 6,592,226). Fujimori teaches an optical component casing with an illumination optical axis of light beam irradiated by a light source, in which a plurality of optical components 90 are housed and arranged at predetermined positions on the illumination optical axis, the optical component casing comprising: a casing body having a plurality of holes penetrating toward the inside thereof, in which the plurality of optical components are housed and arranged therein; and a plurality of positioning members 80 for positioning the plurality of optical components at the predetermined positions in the casing body, wherein the plurality of positioning members are inserted to the plurality of holes to abut on the optical components so that the plurality of optical components are positioned at the predetermined positions on the illumination optical axis of the light beam irradiated by the light source. The applicant is

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directed to review figures 1-2 and 5. Only one modulator is shown in figures 4, 6, and 10-13 for illustrative convenience.

Allowable Subject Matter

Claims 15-16 and 18-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher E. Mahoney whose telephone number is (571) 272-2122. The examiner can normally be reached on 8:30AM-5PM, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


CHRISTOPHER MAHONEY
PRIMARY EXAMINER